


01 UNITED STATES DISTRICT COURT  
02 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

03 ROBERT SMITH, JR., ) CASE NO.: C07-0166-RSL  
04 )  
04 Petitioner, )  
05 )  
05 v. ) ORDER DENYING § 2254 PETITION  
06 )  
06 BELINDA STEWART, )  
07 )  
07 Respondent. )  
08 \_\_\_\_\_ )

09 The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to  
10 28 U.S.C. § 2254, respondent's answer, petitioner's response, respondent's reply, petitioner's  
11 surreply, the Report and Recommendation of the Honorable Mary Alice Theiler, United States  
12 Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and  
13 ORDER:

- 14 (1) The Court adopts the Report and Recommendation;  
15 (2) Petitioner's petition for a writ of habeas corpus (Dkt. No. 18) is DENIED and this  
16 action is dismissed with prejudice; and  
17 (3) The Clerk is directed to send a copy of this Order to petitioner, to counsel for  
18 respondent, and to Judge Theiler.

19 DATED this 15<sup>th</sup> day of April, 2009.

20   
21 Robert S. Lasnik  
22 United States District Judge